

ENTERED

February 09, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CAROLINA MAYEUX,

Plaintiff,

VS.

STATE FARM INSURANCE COMPANY,
et al,

Defendants.

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CIVIL ACTION NO. 3:15-CV-52

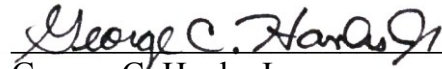
ORDER

Pending before the Court is Defendants' Motion and Request for an Evidentiary Hearing to Investigate the Conduct and Alleged Improper Actions of Non-Parties. Dkt. 75. The request involves Kelli Torres Villagomez of J.K. Core Enterprises. Ms. Villagomez was designated as an expert witness by Plaintiff and submitted an estimate of damage with attached photographs. According to Defendants, the estimate and photographs were remarkably similar to those submitted in an earlier claim for damage. After Defendants discovered these similar claims, the Court dismissed the case with prejudice on Plaintiff's motion in a final judgment. Dkt. 73.

The Court has an inherent "power to conduct an independent investigation in order to determine whether it has been the victim of fraud." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991). This power "must be exercised with restraint and discretion." The allegations of fraud raised here by Defendants are serious indeed. However, under the circumstances that exist here, the Court declines to hold an evidentiary hearing on alleged improper actions. The subject of these allegations is a non-party. The Defendants have

independent sources of recourse against these allegations. Most importantly, the alleged attempted fraud was unable to be perpetrated because the Court dismissed the case with prejudice. For these reasons, the Court hereby **DENIES** Defendants' Motion.

SIGNED at Galveston, Texas, this 9th day of February, 2017.

A handwritten signature in cursive script, reading "George C. Hanks Jr.", written over a horizontal line.

George C. Hanks Jr.
United States District Judge